

PETITIONER'S EXHIBITS

Exhibits are Bookmarked in PDF

VOLUME 1

Decision, Transcript, and Filings from the CPL § 440.10 Hearing

- V1-A Decision and Order, *People v. Ricardo Jimenez* (Torres, J.), dated June 29, 2018
- V1-B Transcript of Proceedings, May 5, 2017
- V1-C Transcript of Proceedings, July 21, 2017
- V1-D Post-Hearing Defense Submission, dated Dec. 15, 2017
- V1-E People's Post-Hearing Memorandum of Law, dated Mar. 23, 2018
- V1-F Post-Hearing Reply Submission, dated Apr. 30, 2018
- V1-G Application for Supplemental Briefing or Leave to Appeal, dated Aug. 2, 2018
- V1-H People's Opposition, dated Sept. 14, 2018
- V1-I Order Denying Leave to Appeal or Supplemental Briefing, dated Nov. 1, 2018
- V1-J Order Denying Leave Upon Reargument, dated Feb. 26, 2019

VOLUME 2

Decision and Filings from the CPL § 440.10 Litigation

- V2-A Decision and Order, *People v. Ricardo Jimenez* (Sackett, J.), dated Mar. 4, 2014
- V2-B CPL § 440.10 Motion, filed Sept. 23, 2011
- V2-C Supplemental Affirmation in Support of CPL § 440.10 Motion, filed Oct. 6, 2011
- V2-D Second Supplemental Affirmation in Support of CPL § 440.10 Motion, filed May 30, 2012
- V2-E Third Supplemental Affirmation in Support of CPL § 440.10 Motion, filed July 6, 2012
- V2-F Memorandum of Law in Support of CPL § 440.10 Motion, filed July 25, 2012
- V2-G People's Response to CPL § 440.10 Motion, filed Jan. 14, 2013
- V2-H Letter of ADA Noah Chamoy to Rosemary Herbert, dated Apr. 25, 2013

- V2-I Reply Affirmation in Support of CPL § 440.10 Motion, filed June 21, 2013
- V2-J Reply Memorandum of Law in Support of CPL § 440.10 Motion, filed June 21, 2013
- V2-K Letter of Rosemary Herbert and Anastasia Heeger to Justice Robert A. Sackett, dated Aug. 1, 2013
- V2-L People's Supplemental Affirmation in Opposition, dated July 30, 2013
- V2-M Letter of ADA Noah Chamoy to Justice Robert A. Sackett, dated Oct. 4, 2013
- V2-N Letter of Rosemary Herbert and Anastasia Heeger to Justice Robert A. Sackett, dated Oct. 10, 2013
- V2-O Supplemental Reply Affirmation in Support of CPL § 440.10 Motion, filed Oct. 18, 2013
- V2-P Letter of Rosemary Herbert and Anastasia Heeger to Justice Robert A. Sackett, dated Jan. 22, 2014
- V2-Q Letter of ADA Noah Chamoy to Justice Robert A. Sackett, dated Feb. 28, 2014.

VOLUME 3

Decision and Filings from the Direct Appeal of the CPL § 440.10 Denial

- V3-A Slip copy of Decision and Order in *People v. Ricardo Jimenez*, Ind. 3825/06
- V3-B Brief for Defendant-Appellant, dated Dec. 18, 2014
- V3-C Respondent's Brief, dated Sept. 9, 2015
- V3-D Reply Brief for Defendant-Appellant, dated Sept. 17, 2015
- V3-E Defendant's Post-Argument Submission, dated Mar. 10, 2016
- V3-F Application for Leave to Appeal, dated Nov. 29, 2018
- V3-G Leave Application Opposition, dated Dec. 20, 2018
- V3-H Leave Application Reply, dated Jan. 3, 2019
- V3-I Order Denying Leave to Appeal, dated Mar. 26, 2019

VOLUME 4

SELECTED EXHIBITS FROM THE STATE PROCEEDINGS

Selected Exhibits from the CPL § 440.10 Proceedings

1. Affirmation of Anastasia Heeger, dated May 25, 2012
2. Statement of Dean Beckford, dated May 25, 2012
3. Letter of Rosemary Herbert and Anastasia Heeger to Hon. Robert A. Sackett, dated Jan. 22, 2014
4. Memo from ADA Lisa R. Mattaway to Patrick Bruno, dated June 8, 2007
5. Letter of ADA Lisa R. Mattaway to AUSA David Novak, dated Oct. 16, 2007
6. Government's Second Motion for Reduction of Sentence, *U.S. v. O'Brien*, 96cr66 (E.D.V.A.), filed Dec. 10, 2007
7. Emails between AUSA David Novak and ADA Lisa Mattaway, dated June 7, June 8, June 13, and Nov. 26, 2007
8. FBI-302 report on interview with Andrew O'Brien, dated Jan. 29, 30, 31 and Feb. 11, 1997
9. Plea agreement for Andrew O'Brien, *U.S. v. Beckford, et. al.*, 96cr66 (E.D.V.A.), filed Jan. 28, 1997, and Statement of Facts [Per a June 8, 2007 letter from AUSA Novak to ADA Mattaway (attached) these documents have been unsealed.]
10. Testimony of Andrew O'Brien, *U.S. v. Beckford, et. al.*, Jan. 24, 2007
11. Order Granting Motion for Reduction of Sentence, *U.S. v. O'Brien*, 96cr66 (E.D.V.A.), dated June 10, 1998
12. Letters of Andrew O'Brien to Hon. Robert E. Payne, dated March 20, 2006 (2) and March 21, 2007
13. Affirmation of ADA Lisa Mattaway, dated Jan. 10, 2012
14. Stipulation of Novak Testimony, entered on Oct. 18, 2007
15. People's Opposition to Defendant's Omnibus Motion, filed May 11, 2007
16. Grand jury testimony of Andrew O'Brien, *U.S. v. Beckford, et. al.*, 96cr66 (E.D.V.A.), Apr. 3, 1996 [Per a June 8, 2007 letter from AUSA Novak to ADA Mattaway (attached), this

transcript was disclosed during discovery and “the secrecy requirements of Fed. R. Crim P. 6 no longer apply.”]

17. Message to Sgt. Larkin from Det. Dave Carbone, dated Mar. 18, 1996
18. Request for Interview of Andrew C. O’Brien, dated Jan. 3, 2001
19. FBI-302 report on interview with Andrew O’Brien, dated Jan. 17, 2001
20. Handwritten letter by Andrew O’Brien, undated
21. Prosecution’s CPL § 240.45 disclosure
22. Indictment, *People v. Andrew O’Brien*, Ind. 265/91 (Kings Co.)
23. Indictment, *U.S. v. Beckford, et.al.*, 96cr66 (E.D.V.A.)
24. Discovery receipts
25. Letter of Kevin Morrissey to Craig Caine, undated
26. Letter of Kevin Morrissey to AUSA Allen Bode, undated, and Note of AUSA Allen Bode to ADA Lisa Mattaway, undated
27. Transcript, *People v. Jimenez*, Sept. 1, 2006
28. “‘Batman’ Cold Case Solved,” NY Post, Sept. 6, 2006
29. People’s Witness’ Criminal History Information [Kevin Morrissey], *People v. Arroyo*
30. Transcript, *U.S. v. Morrissey*, June 2, 1993
31. Transcript, *U.S. v. Morrissey*, Dec. 2, 1992
32. Letter of Kevin Morrissey to Judge Sifton, Dec. 5, 1992
33. Transcript, *U.S. v. Morrissey*, Jan. 14, 1993
34. Letter of Kevin Morrissey to Judge Sifton, Feb 9, 1993
35. Letter of Kevin Morrissey to Judge Glasser, undated
36. Letter of Kevin Morrissey to Judge Carter, Nov. 19, 1992
37. Transcript, *U.S. v. Morrissey*, Sept. 18, 1997
38. Bureau of Prisons records for Kevin Morrissey

39. Competency examination order, *U.S. v. Morrissey*, 00-CR-485, 01-CR-510 (E.D.N.Y.)
40. Transcript, *People v. Felipe Arroyo* (Kevin Morrissey testimony), Feb. 29, 2008
41. Transcript of *U.S. v. Ortiz*, 12cr336 (S.D.N.Y.), dated May 13, 2013
42. After Care Letter, dated Jan. 8, 2007
43. Affirmation of Patrick Bruno, dated Sept. 28, 2011
44. DD5 33 (Identification of Sharon Ramroop)
45. DD5 39 (Interview of Esco Blaylock)
46. Detective's memobook notes
47. DD5 34 (Confrontation of Esco Blaylock and Sharon Ramroop)
48. Picture File Search Report, Robert Cane, July 10, 1989
49. Detective's Notes from 1989
50. DD5 32 (Interview of Robert Kane)
51. Forensic Report and Vouchers and Ballistics Report
52. Ricardo Jimenez *pro se Singer* motion
53. Transcript of May 21, 2007
54. DD5 9 (Interview of Esco Blaylock)
55. DD5 18 (Interview of Esco Blaylock)
56. DD5 22 (Efforts to Identify Leon)
57. DD5 26 (Efforts to Identify Leon and Sharon Ramroop)
58. DD5 28 (Meeting with Esco Blaylock)
59. Picture File Search Report, Sharon Ramroop, July 11, 1989
60. DD5 35 (Identification of "Leon")
61. DD5 14 (Interview of James Williams)
62. DD5 40 (Interview of Linda Salter)

- 63. Affidavit of Linda Salter, dated Oct. 27, 2011
- 64. DD5 6 (Interview of Gregory Jones)
- 65. DD5 15 (Interview of Gregory Jones)
- 66. Affidavit of Gregory Jones, dated Feb. 9, 2012
- 67. *People v. Ayyash*, Ind. No. Ind. No. 2777/07 (Sup. Ct. Bx. Co 2012)
- 68. Affidavit of Nelson J. Lassalle, dated Apr. 23, 2012
- 69. Affidavit of Rosa Greenbaum, dated May 14, 2012
- 70. Affirmation of Richard M. Greenberg and Statement of Sharon Ramroop, dated June 19, 2013

VOLUME 5

Trial Transcript

- V5 Transcript of Mr. Jimenez's trial (4 files)

VOLUME 6

Filings from the Direct Appeal of the Conviction

- V6-A Brief for Defendant-Appellant, dated Jan. 5, 2009
- V6-B Respondent's Brief
- V6-C Defendant's Reply Brief, dated Jan. 22, 2010
- V6-D Application for Leave to Appeal, dated May 4, 2010
- V6-E People's Response to Application for Leave to Appeal, dated June 17, 2010
- V6-F Reply to Opposition to Application for Leave to Appeal, dated June 25, 2010